

AMENDMENTS TO THE DRAWINGS

Figures 1, 9, and 10 are amended for consistency with the specification.

Enclosure:

2 Replacement Sheets

REMARKS

Amendment summary

Claim 1 is amended to recite in the alternative subject matter previously found in claims 13 and 14 and in Figures 11 and 12. Claims 13 and 14 are canceled.

Figures 1, 9, and 10 are amended to correct the reference numerals therein. Support for this amendment may be found at least, e.g., in the description of the figures in the present specification.

No new matter is added by this Amendment, and Applicant respectfully submits that entry of this Amendment is proper.

Information Disclosure Statement

Applicant notes that the Form SB/08 filed with the Information Disclosure Statement of August 15, 2006 incorrectly listed JP 62-56024 as WO 62-56024. Applicant submits herewith a corrected SB/08 listing JP 62-56024. Applicant respectfully requests that the Examiner initial the corrected SB/08 next to the listing of JP 62-56024.

Drawings

Applicant notes that Figures 1, 9, and 10 contain boxes instead of text for some of the element identifiers therein. Applicant has submitted corrected drawings herewith.

***Response to provisional nonstatutory obviousness-type double patenting rejection
of claims 1-3, 9, 13-14, 17-18, 21, and 23***

Claims 1-3, 9, 13-14, 17-18, 21, and 23 have been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting based on copending Application No. 12/087,055. Applicant respectfully traverses on the basis that the present claims recite that the portion of the support around the opening is depressed toward the absorber compared to the other portion, or wherein the support inclines from the peripheral portion toward the opening with respect to the absorber, which feature is not disclosed by the claims of copending Application No. 12/087,055.

In view of this amendment, Applicant respectfully requests that the Examiner reconsider this provisional rejection.

***Response to nonstatutory obviousness-type double patenting rejection
of claims 1-3, 9, 13-14, 17-18, 21, and 23***

Claims 1-3, 9, 13-14, 17-18, 21, and 23 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,883,504. Applicant respectfully traverses on the basis that the present claims recite that the portion of the support around the opening is depressed toward the absorber compared to the other portion, or wherein the support inclines from the peripheral portion toward the opening with respect to the absorber, which feature is not disclosed by the claims of U.S. Patent No. 7,833,504.

In view of this amendment, Applicant respectfully requests that the Examiner reconsider this rejection.

Response to rejections based on Heiber, Wakizaka, and Konno

Claims 1-3, 9, 13-14, and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,917,676 to Heiber et al., JP 09-124468 to Wakizaka et al and U.S. Patent No. 4,842,577 to Konno et al. (hereinafter “Heiber,” “Wakizaka,” and “Konno,” respectively). In addition, claims 17, 18 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Heiber, Wakizaka, and Konno, further in view of U.S. Patent No. 7,337,593 to Blum et al. (hereinafter “Blum”). Applicant respectfully traverses.

Claim 1 recites, in relevant part, a patch activated in use in which the portion of the support around the opening is depressed toward the absorber compared to the other portion, or wherein the support inclines from the peripheral portion toward the opening with respect to the absorber.

As recited in the present specification at page 26, “[b]y virtue of the structure, a space 110 is formed between the support 115 or the liner 119 and the dissolution liquid reservoir 118. When the dissolution liquid reservoir 118 is pressed in use, the diaphragm 113 is broken and a broken piece of the diaphragm can be spread in the space 110, the solution can quickly flows through the opening 114, with the result that the remaining amount of solution can be reduced.” Furthermore, “in this case, a space 120 is formed between the support 125 or the liner 129 and a dissolution liquid reservoir 128. When the dissolution liquid reservoir 128 is pressed in use and the diaphragm 123 is broken, the solution quickly flows through the opening 124 without spreading to the peripheral portion, with the result that the remaining amount of solution in the dissolution liquid reservoir can be reduced.” See page 26, line 27 to page 27, line 7 of the

present specification. The cited art does not disclose or suggest that the space 110 in Fig. 11 or the space 120 in Fig. 12 is formed in the patch by providing the structures recited in Claim 1.

The rejection set forth in the final Office Action ostensibly was meant to encompass claims 13 and 14, which recited the elements now present in claim 1. However, the Office Action failed to set forth a specific rationale behind the rejection of claims 13 and 14. This is because cited references fail to disclose or suggest the structures now recited in claim 1. Failing to do so, Applicant respectfully submits that the cited references fail to render obvious the presently claimed invention.

Applicant therefore respectfully requests the reconsideration and withdrawal of these rejections.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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